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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN JOSE DIVISION**

17 ARIEL ABITTAN

18 PLAINTIFF,

19 v.

20 LILY CHAO (a/k/a TIFFANY CHEN, a/k/a
YUTING CHEN), DAMIEN DING (a/k/a
21 DAMON LEUNG, a/k/a DAMIEN RAY
DONOVAN, a/k/a TAO DING), YUTING
22 CHEN, TEMUJIN LABS INC. (a Cayman
Islands corporation), and Does 1-100,
23 inclusive,

24 DEFENDANTS.
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Case No.: 5:20-CV-09340-NC

**[PROPOSED] ORDER GRANTING
TEMUJIN LABS INC., A CAYMAN
ISLANDS CORPORATON'S, LILY
CHAO'S, AND DAMIEN DING'S
MOTION TO STRIKE PORTIONS OF
PLAINTIFF'S AMENDED COMPLAINT**

Date: September 28, 2022
Time: 1:00 p.m.
Place: Courtroom 5, 4th Floor
Judge: Hon. Nathanael Cousins

1 The motion of Temujin Labs, Inc., a Cayman Islands Corporation (“Temujin Cayman”), Lily
 2 Chao, and Damien Ding (collectively “Defendants”) to strike portions of Plaintiff’s Amended
 3 Complaint came for hearing before the Court on September 28, 2022. The parties were represented
 4 by their respective counsel of record.

5 After considering the papers submitted by the parties and the arguments of counsel, the Court
 6 orders that the addition of Yuting Chen as a defendant party is stricken from the Amended
 7 Complaint.

8 The Court also orders that the following causes of action are stricken from the Amended
 9 Complaint:

10 Count 1 – Declaratory Judgment against Temujin Cayman, Chao, Ding, and Chen;

11 Count 2 – Breach of Partnership against Chao and Ding;

12 Count 3 – Breach of Partnership against Temujin Cayman, Chao and Ding;

13 Count 4 – Breach of Fiduciary Duty against Ding;

14 Count 6 – Aiding and Abetting Breach of Fiduciary Duty against Chen;

15 Count 7 – Breach of Fiduciary Duty against Ding and Temujin Cayman;

16 Count 10 – Conversion against Chen;

17 Count 13 – Breach of Contract against Temujin Cayman;

18 Count 19 – Unjust Enrichment against Chen; and

19 Count 22 – Accounting against Chen.

20 The court further orders that Plaintiff shall file a corrected Amended Complaint within 7 days
 21 of this Order.

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1 Finally, the Court reiterates its order of May 20, 2022 that no additional parties or causes of
2 action shall be added without advance leave of Court.

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4 **IT IS SO ORDERED.**

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6 DATED: _____

7 The Honorable Judge Nathanael Cousins
8 United States Magistrate Judge
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